

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, Derivatively on Behalf :  
of LEHMAN BROTHERS HOLDINGS, INC., :  
Plaintiff, :  
v. : Case No.: 07-CV-02990 (DAB)  
RICHARD S. FULD, JR., MICHAEL L. :  
AINSLIE, JOHN F. AKERS, ROGER S. :  
BERLIND, THOMAS H. CRUIKSHANK, :  
MARSHA JOHNSON EVANS, SIR :  
CHRISTOPHER GENT, JOHN L. CECIL, :  
ROLAND A. HERNANDEZ, JOHN D. :  
MACOMBER, DINA MERRILL, JONATHAN :  
BEYMAN, DAVID GOLDFARB, JOSEPH M. :  
GREGORY, JEREMY M. ISAACS, :  
CHRISTOPHER O'MEARA, THOMAS A. :  
RUSSO, BRADLEY H. JACK, HENRY :  
KAUFMAN, STEPHEN M. LESSING, :  
MICHAEL F. MCKEEVER, JEFFREY :  
VANDERBEEK, :  
Defendants, :  
- and - :  
LEHMAN BROTHERS HOLDINGS, INC., :  
Nominal Defendant. :  
-----x :

**NOTICE OF MOTION FOR INTERVENTION**

PLEASE TAKE NOTICE that Saginaw Police & Fire Pension Board (“Saginaw”) will hereby move this Court for an Order (attached hereto) permitting Saginaw to fully intervene in this action as a plaintiff, and granting such other relief as the Court may

deem just and proper. For the reasons set forth in the supporting memorandum of law and declaration of David R. Scott, Esq., Saginaw respectfully requests that the Court enter the attached Order.

DATED: August 10, 2007

Respectfully submitted,

SCOTT + SCOTT, LLP

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**Counsel for Intervenor**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2007, a copy of the foregoing Notice of Motion for Intervention was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Beth A. Kaswan

Beth A. Kaswan (BK-0264)

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: - and - :  
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: Nominal Defendant. :  
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:

**[PROPOSED] ORDER ON MOTION FOR INTERVENTION**

Having considered the motion by Saginaw Police & Fire Pension Board for Intervention, the memorandum in support thereof, and the Declaration of David R. Scott,

Esq., this Court deems there is good cause to enter an Order stating that Saginaw Police & Fire Pension Board is hereby a named plaintiff in this case.

IT IS SO ORDERED

Dated: \_\_\_\_\_

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THE HONORABLE DEBORAH A.  
BATTS, UNITED STATES DISTRICT  
JUDGE